

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND**

TEAMSTERS LOCAL 251 HEALTH
SERVICES AND INSURANCE PLAN,
by and through TAMMY
BEAUDREAULT, in her capacity as
Fund Administrator,

Plaintiffs,

v.

ADAMSDALE CONCRETE, INC.

Defendant.

C.A. No.

COMPLAINT

This is an action to compel payment of contributions, interest, penalties, and attorneys' fees to a multi-employer welfare plan, pursuant to the Employee Retirement Income Security Act ("ERISA"), 29 U.S.C. § 1001, *et. seq.*

Parties and Jurisdiction

1. Plaintiff Teamsters Local 251 Health Services and Insurance Plan ("Local 251 HSIP" or "Fund") is a multiemployer welfare benefit plan within the meaning of ERISA, 29 U.S.C. §§ 1002(1) and (37). Local 251 HSIP's principal place of business is 1201 Elmwood Avenue, Providence, Rhode Island.

2. Plaintiff Tammy Beaudreault ("Beaudreault") is the Local 251 HSIP Fund Administrator.

3. Adamsdale Concrete, Inc., ("Adamsdale") is a corporation organized under the laws of the State of Rhode Island with its principal place of business at 551 Weeden Street,

Pawtucket, Rhode Island. At all relevant times, Adamsdale has been an employer within the meaning of Section 3(5) of ERISA, 29 U.S.C. § 1002(5).

4. This Court has subject matter jurisdiction and venue is proper in this district pursuant to ERISA, 29 U.S.C. § 1132(e)(1) and (2).

Facts

5. Adamsdale is party to a collective bargaining agreement (“CBA”) with Teamsters Local 251 (“Union”) governing terms and conditions of employment for certain Adamsdale employees.

6. Local 251 HSIP provides medical, dental and other benefits to certain employees represented in collective bargaining by the Union, including employees of Adamsdale.

7. Local 251 HSIP is governed by a Trust Agreement which provides, in relevant part, that contributing employers shall submit timely contributions to Local 251 HSIP. If a contributing employer fails to do so, the Trust Agreement provides that such employers are liable for interest, attorneys’ fees and penalties.

8. Pursuant to the CBA, Adamsdale is required to submit contributions to Local 251 HSIP based on the number of hours worked by Adamsdale employees and the contribution rate set by CBA.

9. Contributions are due on the 10th day of the month following the month in which hours are worked. An employer is delinquent if contributions are not received by the 10th day of the month.

10. On or about June 26, 2018, Local 251 HSIP conducted an audit of Adamsdale’s contributions for the period January 1, 2015 through December 31, 2017. The audit revealed that Adamsdale failed to accurately remit contributions for hours worked.

11. On or about July 3, 2018, Local 251 HSIP submitted a copy of the audit to Adamsdale and asked Adamsdale to review the findings and advise the Fund of any discrepancies. Adamsdale did not respond to the letter.

12. By letter dated October 3, 2018, Fund counsel asked Adamsdale to remit unpaid contributions pursuant to the audit. Adamsdale did not respond to the letter.

13. Since on or about January 1, 2015, Adamsdale has failed to make timely contributions to the Fund.

Count I
Civil Enforcement of ERISA
29 U.S.C. § 1132(a)(3)

14. Plaintiffs repeat and incorporate each and every allegation in the preceding paragraphs of this Complaint as though fully set forth herein.

15. Adamsdale has failed to remit required contributions, attorneys' fees, and interest to Local 251 HSIP in accordance with the CBA and Trust Agreement in violation of 29 U.S.C. § 1145.

WHEREFORE, Plaintiffs pray that this Honorable Court award Local 251 HSIP relief as hereinafter set forth.

Prayer for Relief

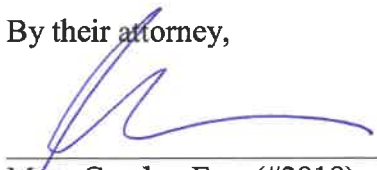
Plaintiffs pray that this Honorable Court order the following relief pursuant to 29 U.S.C. §1132(g):

- a. Award Local 251 HSIP unpaid contributions.
- b. Award Local 251 HSIP interest on unpaid contributions.
- c. Award Local 251 HSIP interest on delinquent contributions.
- d. Award Local 251 HSIP liquidated damages in an amount equal to the greater of:

- i. The interest on unpaid and delinquent contributions, or
- ii. Twenty (20%) percent of unpaid contributions.
- e. Award Local 251 HSIP attorneys' fees and costs; and
- f. Such other relief as the Court deems just and proper.

**TEAMSTERS LOCAL 251 HEALTH
SERVICES AND INSURANCE PLAN
AND TAMMY BEAUDREAULT**

By their attorney,



Marc Gursky, Esq. (#2818)
GURSKY|WIENS Attorneys at Law, Ltd.
1130 Ten Rod Road, Suite C-207
North Kingstown, RI 02852
Tel: (401) 294-4700
Fax: (401) 294-4702
mgursky@rilaborlaw.com

Certificate of Service

I hereby certify that a copy of this document was filed electronically on January 29th 2019 and is available for viewing and downloading on the Court's electronic filing system. Pursuant to ERISA, § 29 U.S.C. § 1132(h), a copy of this complaint was served by certified mail upon the Secretary of Labor and the Secretary of the Treasury.